

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

IN RE:

CHRISTOPHER D. WYMAN,
DEBTOR,

CASE NO. 12-32264-dof
CHAPTER 7
HONORABLE DANIEL S. OPPERMAN

/

**TRUSTEE'S OBJECTION TO APPLICATION FOR PAYMENT
OF PRE-APPROVED ATTORNEY FEES OF SPECIAL COUNSEL TO TRUSTEE
PURSUANT TO 11 U.S.C. 328(a)**

NOW COMES Trustee, Samuel D. Sweet, ("Trustee"), by and through his counsel, Samuel D. Sweet, PLC, and hereby objects to this application as follows:

1. The Trustee objects to Michael Tindall's application for fees in this case.
2. Mr. Tindall did not recover any funds in this case for the benefit of the bankruptcy estate. Any and all recoveries were due specifically to the efforts of the Trustee in this matter. Under the application for his employment, a recovery must be made by the Applicant to receive a fee. No such recovery was made by Applicant.
3. This Court must determine whether these fees requested based upon the efforts and results obtained by the applicant are reasonable. It is the Trustee's position that \$34,000.00 based upon the efforts and results obtained by Mr. Tindall are not reasonable and as such should be disallowed in full.
4. Mr. Tindall engaged in various sharp practices in this case and even committed fraud upon this court which delayed and made difficult any and all resolutions in this matter.
5. Further, the application filed an affidavit as clearly false. Mr. Tindall has in fact filed a Notice of Claim of Interest relative to the single property in this case which was recovered and liquidated. As a result at the time this application was filed Mr. Tindall claimed a secured interest in the very property that was the subject of his employment.
6. That in and of itself constitutes a conflict of interest and an interest adverse to this bankruptcy estate.
7. Further, Tindall claims Duggan is entitled to attorney fees under §506 of the Bankruptcy Code. Duggan had a Judgment Lien. There is no provision for attorney fees in the Judgment Lien Act.

8. For the reasons stated, Michael Tindall should not be allowed fees in this case.

WHEREFORE, Trustee requests that this Honorable Court deny the Application for Payment of Pre-Approved Attorney Fees of Special Counsel and for such other and further relief this Court deems just and proper.

Respectfully submitted,

SAMUEL D. SWEET, PLC

By: /s/ Samuel D. Sweet

Samuel D. Sweet (P48668)

Attorneys for Trustee

P.O. Box 757

Ortonville, MI 48462-0757

(248) 236-0985

ssweet@trusteesweet.us

Dated: 7/5/2019

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following:

**Trustee's Objection to Application for Payment of Pre-Approved Attorney Fees of
Special Counsel to Trustee Pursuant to 11 U.S.C. 328(a)**

was electronically served on the 5th day of July, 2019, upon:

Dennis L. Perkins
Attorney for Debtor
bkperk@sbcglobal.net
(Via ECF Only)

Elie Bejjani
Attorney for Barbara Duggan
elie@bejjanilaw.com
(Via ECF Only)

was served via First Class Mail, pre-paid postage, on this 5th day of July, 2019, addressed as follows:

Christopher D. Wyman
6241 Grand River Road
Brighton, MI 48114

Michael E. Tindall
18530 Mack Ave., Ste. 430
Detroit, Michigan 48236

/s/ Jessica A. Will
SAMUEL D. SWEET, PLC
Jessica A. Will, Legal Assistant
P.O. Box 757
Ortonville, MI 48462-0757
(248) 236-0985
jwill@trusteesweet.us